

REMARKS

Entry of the Amendments

The above Amendment should be entered because it adopts the suggestions by the Examiner and clarifies the wording in claim 1 for the convenience of the Examiner.

The claims were not previously amended because the history of the prosecution of this application reveals that the format of the claims before the last office action were reviewed approximately eight (8) times by the Examiner, which included four (4) remands by the Board, and were reviewed by the Board.

After this period of time, in the last office action, a rejection under 35 USC §112, second paragraph was made. Because of this delay in presenting this new rejection, this is the first opportunity that the Applicant has had to respond.

Also as the claims have been at least twice rejected the applicant is following the option of appealing to the Board of Appeals under the provisions of 37 C.F.R. §1.191(a). Accordingly the amendment could not accompany a reply to the last rejections as no reply (except the Brief) has been made.

Accordingly, based on the history of the prosecution of this application the present amendment now presented is based on a good and sufficient reason why it was not earlier presented.

With respect to the traverse of the rejections, these will be treated in the Appeal Brief concurrently submitted.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Elliot A. Goldberg (Reg. No. 33,347) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By  Reg. No. 19,382

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TCB/EAG/jeb
2569-0103P

Attachment(s)